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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 WILD HORSE EDUCATION, a non-profit
14 corporation; and LAURA LEIGH,
individually,

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF
18 INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
19 State Director of the Bureau of Land
20 Management,

21 Defendants.

CASE NO. 3:23-cv-00372

**DECLARATION OF LAURA LEIGH IN
SUPPORT OF PLAINTIFF'S MOTION
FOR A TEMPORARY RESTRAINING
ORDER**

1 I, Laura Leigh, declare as follows:

- 2 1. I am the founder of Wild Horse Education (WHE).
- 3 2. I am the active team lead for the independent Comprehensive Animal Welfare Policy
4 (CAWP) TEAM RUN BY WHE.
- 5 3. I have been attending roundups in this area since 2010.
- 6 4. I have attended more cumulative individual days of operation than any public observer
7 from 2009-present.
- 8 5. I have been visiting wild horses within the complex since 2010 and have established
9 personal knowledge of, and relationships with, individual wild horses in this area.
- 10 6. I am nearly guaranteed to find the first foal in early February on the benches along the
11 Schell, Antelope and Dolly Varden, Spruce-Pequop Mountains and visits to the area are
12 always special.
- 13 7. I have taken visitors out to see wild horses in those areas in July. Pregnant mares and
14 newborn foals are always a treat for newcomers.
- 15 8. I founded this organization to continue to work on the highly specialized circumstances
16 surrounding management of wild horses and burros and their capture under federal
17 authority, primarily the Bureau of Land Management (BLM).
- 18 9. I have brought litigation with a focal point on inappropriate conduct during capture in the
19 past as a last resort to address preventable accidents and outright neglect and abuse.
- 20 10. Those cases were successful in stopping active operations where the Temporary
21 Restraining Orders (TRO) were only lifted with strict requirements ordered by the courts.
- 22 11. In 2015, the agency created the Comprehensive Animal Welfare Policy (CAWP) without
23 public input and awarded a contract to a private entity to create the standards. I was
24 informed there would be annual review and BLM showed me an "assessment tool."
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1 12. At first, I witnessed some positive changes predominantly focused on “slowing down” to
2 avoid accidents. I witnessed less use of electric shock for convenience and operations
3 generally began to move at a slower pace.

4 13. By the end of 2016, I observed a rapid slide backwards at operations I personally attended
5 beginning with the Owyhhe Complex (Winnemucca District, whose WHB Specialist is
6 serving as IC at Antelope North, 2023).

7 14. In 2017, I contacted state leads and DC on range chief Dean Bolstad (now retired) and was
8 informed that an annual review would take place and for me to “be patient” as BLM worked
9 out the system.

10 15. From 2018-2021, I personally documented a rapid and consistent slide back of any caution
11 the initial adoption of the policy created: horses flipped through barbed wire, babies run to
12 collapse, traps set to small or obstructed leading to catastrophic injury, ignoring the
13 temperature guidelines, an electric shock prod used to speed up loading (including use near
14 the face and neck), etc.

15 16. In 2021, I was informed by BLM public affairs that BLM had finally hired someone to
16 head the CAWP program and that none of the annual reviews had been performed (2016-
17 2020).

18 17. I have provided testimony at every annual Motorized Vehicle Use hearing since 2009. The
19 hearings are to be held in the area where the action will take place and BLM used to do a
20 hearing for each state until 2020 when covid started. For many years I gave testimony at
21 more than one hearing.

22 18. At each hearing I request (standard) that BLM provide a report on comments and written
23 recommendations to address public concerns.

24 19. No report has ever been issued from those hearings.
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- 1 20. I have also participated in comments during bi-annual Advisory Board meetings (since
2 2009) as part of the WHE team; abuse during capture is a central point of our joint
3 testimony.
- 4 21. I have been an advocate for 15 years. My time in the field has given me an in-depth
5 knowledge of the protocol, structure and personnel involved in capture.
- 6 22. After the CAWP policy was adopted by BLM in 2015, the climate I faced at roundup
7 operations from BLM personnel was more than “resentful.” I began to feel more threatened
8 than usual and unsafe.
- 9 23. In 2015, I began training individuals in how to document a roundup to create a data-based
10 report that could note trends and craft recommendations (not just take pictures).
- 11 24. In January of 2017, Marie Milliman began her training in our observation protocol under
12 my supervision.
- 13 25. In 2019, an existing member of our outreach team, Colette Kaluza, began to work as a
14 volunteer member of our CAWP team, under my supervision.
- 15 26. My knowledge of distinctions in districts and crews throughout the West (my observation
16 of roundups expands outside one district or state) has led me to place the 2 districts involved
17 in Antelope as priority concerns.
- 18 27. A July roundup of 3000 wild horses run as two simultaneous trapping operations, in one
19 Complex, particularly in this complex, was cause for concern before it began, and I
20 contacted our most experienced welfare team members to see if they could attend.
- 21 28. In the press releases for north and south trap, BLM published that a “decision of NEPA
22 adequacy” was available and provided a link.
- 23 29. The link had no Decision of NEPA Adequacy (DNA) and only the 7-year-old
24 Environmental Assessment (EA).
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1 30. I contacted BLM to get a copy of the DNA and was told that they meant the 7-year-old EA
2 was a “decision of NEPA adequacy” and that no DNA had been done.

3 31. I immediately arranged for our most experienced team members to be onsite.

4 32. I am on-site at the Antelope Complex operation and running support for team members
5 Marie Milliman (South trap) and Colette Kaluza (North trap).

6 33. I attended the first day of capture by observing the temporary holding corrals on July 9th.

7 34. In my capacity as team lead, I receive camera cards from our team members in the field
8 each day.

9 35. I receive an assessment form from each team member.

10 36. I review all videos and images I receive and compare them to the assessment sheet.

11 37. I edit videos and prepare images for upload and archiving.

12 38. I utilize the BLM “daily report” (basic statistics) published each day as a comparison to
13 the visual, written, and oral reports from our team.

14 39. I craft and publish our daily update online.

15 40. For several years I was the person in the field, the one editing video, the one crafting and
16 publishing reports for the public and getting up the next day and doing it again. I created a
17 team model to handle the workload.

18 41. I track Heat Index through the National Weather Service and NOAA websites using gps/
19 mapping to gain Heat Index for each observation location and the temporary holding
20 facility.

21 42. Not since 2011 have I edited, listened to, watched, an operation this inadequate to ensure
22 the health and safety of wild horses.

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1 43. In careful review, BLM is operating in heat index warnings that are unsafe for foals and
2 elderly, operating in extreme heat index caution warnings that are unsafe for even horses
3 in good condition, BLM is operating in a manner that leaves foals lagging far behind,
4 BLM is operating at unsafe trap locations, etc. *See Exhibit A: Antelope Heat Index*
5 *Deaths.*

6
7 44. All that information can be found (data, video and background) in the daily public reports
8 published on our website. *See Exhibit B: Daily Public Reports Log.*

9 45. On July 12th, I sent a letter to the State Director asking that the operation be suspended due
10 to a dangerous heat index alert coming in July 16-19 as personnel in the field would take
11 no action.

12 46. Several of the wild horses are predictable and easy to locate during different times of year.
13 One such horse was a band stallion we called "Sunshine" because he was a golden
14 palomino. He had a constant small band of 2 mares and would occasionally have a third
15 mare in tow that would sometimes be with his band, sometimes she was not.

16 47. On July 13th, Sunshine suffered a horrific fate. As soon as I was given the video to edit, I
17 pointed to the map and asked Colette if the trap was "there" (pointing to a place I knew
18 Sunshine would be this time of year). I then pulled photos from our website and matched
19 the blaze and other markings to the horse with the compound break (that was then run for
20 over 30 minutes on 3-legs and a stump and finally shot). It was him.

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22 48. I threw up. I cried. I felt enraged and defeated at the same time. I felt loss and fear that
23 there was absolutely nothing anyone could do to stop the callous and uncaring actions I
24 have witnessed these last 15 years.

1 49. I cannot even begin to describe the absolute hopelessness, anger, frustration, pain that I
2 feel.

3 50. I am watching horses I know die because no one will listen to please to fix an antiquated
4 and inadequate policy.

5 51. I am watching mares and babies I know tortured in this heat.

6 52. After the stallion broke his leg and a mare broke her neck, both during a heat index rise
7 where I had begged the agency to suspend for a few days, news media was featuring
8 footage I was asked to provide.

9 53. After news media coverage began, I started editing video that includes absurd restrictions
10 and confrontational attitudes from BLM public affairs that insist that my observers cannot
11 even speak to each other at temporary holding corrals. The same public affairs officer sat
12 in her truck with an observer from another organization socializing.

13 54. After filing litigation as a last resort, I am editing a video of blocked access to view holding
14 corrals and trying to help my team navigate changes in observation protocol.

15 55. Since filing litigation, BLM is running two traps in the north and not allowing observation
16 at one of the traps.

17 56. On July 27, 2023, BLM operated two traps denying access to the second trap.

18 57. I heard the BLM Incident Commander in charge tell our observer the reason was because
19 they did not have enough public affairs personnel.

20 58. I prepared the clip for the court at <https://wildhorseeducation.org/private-access/> Password:
21 Antelope_TRO
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23 59. I continued to RSVP in the event BLM offers access.
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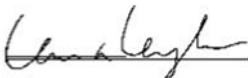
- 1 60. I accessed the BLM online report to prepare our daily report for July 27, 2023 and noted
2 BLM contradicted the onsite personnel in charge and noted “safety concerns” as the reason
3 no observation was allowed.
- 4 61. Observation at the second trap location was denied from July 27-July 30, 2023.
- 5 62. Editing video from the dates above, I noted long travel and a disturbing lack of foals after.
6 The horses were flushed from the trees. The BLM daily numbers confirm that only 14% of
7 the horses captured were foals indicating that foals are left behind (if BLM is correct in
8 their asserted foaling rate, growth rate, for this herd).
- 9 63. On July 31, Colette Kaluza called me after arrival at the meeting zone to convoy with BLM
10 two trap that no observation would be permitted. She was told by IC, that the road to the
11 trap was a private road.
- 12 64. I informed Colette Kaluza that I am familiar with the area and there are no private roads.
13 The public lands and private lands in the area are indistinguishable by eye but that she
14 could be on the road and ten feet off the road to either side. No signs for private lands are
15 posted.
- 16 65. Colette found the trap location and provided me with screengrabs from the OnX app
17 (hunters app that identifies private lands). It confirmed that the road is public, remains
18 public and never turns private.
- 19 66. I am aware that excessive heat warnings are expected to begin Sunday and last through
20 Tuesday when thunderstorms move in. Beginning on Friday, August 4, the heat index is
21 expected to rise again, repeating the pattern of “rise and break” during this operation to
22 date.
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- 1 67. Since 2016 I have been trying to get BLM to add analysis to identify a site-specific foaling
2 season into gather-EAs or into management plans that they do not complete prior to issuing
3 gather plans (HMAP).
- 4 68. I have personally witnessed foaling season distinctions throughout western rangelands in
5 10 states.
- 6 69. I have witnessed HMAs that begin foaling as early as late January and those that continue
7 through September.
- 8 70. I have personally witnessed changes to these patterns as BLM implements various fertility
9 control vaccines causing some HMAs to have erratic and broader foaling seasons.
- 10 71. I have commented, given oral testimony and engaged as many processes open to me to
11 address the agency failure to first identify the foaling season and then determine how
12 fertility control impacts that season.
- 13 72. I am aware that BLM considers foaling season too dangerous a time to gather by helicopter
14 drive-trap.
- 15 73. I am also aware that BLMs definition of foaling season is based on anecdotal observations
16 and not site-specific data.
- 17 74. As a horse owner, I am aware (just like every other horse owner) it takes several weeks
18 just for a foal's foot to begin to change into the correct shape and harden appropriately after
19 travelling through the birth canal. I am aware of the broad range of "normal" ligament
20 development in foals and that BLM has euthanized many foals that have a "dropped
21 ligament" or "deformed" leg that all fall into the normal range in young foals.
- 22 75. As a horse owner, I am aware (just like every other horse owner) that over-exercising and
23 stressing feet and legs in new and young foals can cause lifelong problems.
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76. As a horse owner, I am aware (just like every other horse owner) that running foals on underdeveloped hooves and legs can cause hoof slough (feet falling off) and have personally witnessed foals suffering these consequences after BLM roundups.

DATED this 1st day of August, 2023.


Laura Leigh